

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LARRY BELCHER,

Plaintiff

v.

C-1-12-985

WARDEN, SOUTHERN OHIO
CORRECTIONAL FACILITY, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 5) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 5) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Plaintiff's Complaint against Southern Ohio Correctional Facility Warden, Donald Morgan, (doc. no. 3) is DISMISSED for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

On January 31, 2013, plaintiff filed an Application for Default Judgment (doc. no. 7) against the remaining defendants. Those defendants have not been served with summons. The Application (doc. no. 7) is DENIED.

This case is RECOMMITTED to the United States Magistrate for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court